EV257330058US IN THE UNITED STATES PATENT AND TRADEMARK OFFICE O

Docket No. B-3804PCTDIV

621061-1

Anticipated Classification of this application

Class _____ Subclass _

Prior application: 09/423,758
Examiner: Michael N. Opsasnick

Art Unit: 2655

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

CONTINUATION OR DIVISIONAL FILING UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a

[] Continuation [X] Divisional application under 37 C.F.R. § 1.53(b), of pending prior U.S. Application Serial No. 09/423,758 filed on February 16 2000, which is the U.S. National Stage of PCT International Patent Application No. PCT/GB98/01414 (filed on May 15, 1998), which PCT application designates the United States of America, of (1) Roger Cecil Ferry TUCKER, (2) Carl William SEYMOUR, and (3) Anthony John ROBINSON for "AUDIO CODING SYSTEMS AND METHODS".

1. Prior Application

[X] I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application (USSN 09/423.758), including 2 pages of title page and abstract, 30 pages of specification, 8 pages of claims, the oath or declaration (2 pages), and 7 sheets of drawings (Figs. 1-12) as originally filed. The attached true copy constitutes the above-identified divisional application (please also see 8 for drawing requirements.)

NOTE: Under 37 C.F.R. § 1.53(b) practice, signing and execution of the application by the applicant may be omitted provided the application is a continuation or divisional which adds neither new matter nor new inventors to the parent application, and a copy of the original declaration or oath from the parent application is supplied with the new application - 37 C.F.R. § 1.63(d)(1)

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and the documents referred to as attached therein are being deposited with the United States Postal Service on this date <u>JULY 18, 2003</u> in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number <u>EV257330058US</u> addressed to the

"Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450"

Ericca Lorid

(Type or print name of person mailing paper)

(Signature of person mailing paper)
NOTE: Each paper or fee filed by 'Express Mail' must have the number of the 'Express Mail' mailing label placed thereon prior to mailing - 37 C.F.R. § 1.10(b).

10/622856 10/622856

2	_	Amendment	s

- [] Cancel in this application original claims __ of the prior application before calculating the filing fee.
- [X] A preliminary amendment is enclosed.

 NOTE: Only amendments reducing the number of claims will be entered before calculating the final

Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number	Extra		Rate	Basic Fee \$750.00
Total Claims	4 -20=	0	x	\$ 18.00	0
Independent Claims	2 -3=	C) x	\$ 84.00	0
Multiple dependent Claim(s), if any		C) x	\$ 280,00	0

[] The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing fee calculation \$_750.00

- 4. Small Entity Status
 - [] a verified statement that this is a filing by a small entity is attached.
 - [] a verified statement has previously been filed in the parent application (37 C.F.R. § 1.28 (a)).

Filing fee calculation (50% of above) \$ ___

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMCG 114.

5. Fee Payment Being Made At This Time

Not enclosed

[] no filing fee is submitted. This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.

Enclosed

[X] filing fee

\$ 750.00

- 6. Method of Payment of Fees
 - [X] enclosed is a check in the amount of $\frac{5.750.00}{}$
 - [] charge account number 12-0415 in the amount of \$

 NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid 37 C.F.R. § 1.22(b)

37 C.F.R. § 1.53(b) - Page 2 of 4

- 7. Authorization to Charge Additional Fees
 The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:
 - [X] 37 C.F.R. § 1.16 (filing fees and presentation of extra claims)
 - [X] 37 C.F.R. § 1.17 (application processing fees)
 - [] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
 - NOTE: 37 C.F.R. § 1.28(b) requires 'Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee.*

8. Drawings

- [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 C.F.R. § 1.138 and before payment of issue fee.)
- NOTE: DO NOT check this box if prior case is not to be abandoned.
- [X] Drawings are enclosed (see true copy of prior application USSN 09/423,758)
- 9. Priority 35 U.S.C. 119
 - [X] Priority of application Serial No. <u>EP 97303321.0</u> filed on <u>May 15, 1997</u> is claimed under 35 U.S.C. 119.
 - [X] The certified copy of EP Appln. No. <u>97303321.0</u> has been filed in prior PCT International Patent Application No. <u>PCT/GB98/01414</u>.
- 10. Relate Back 35 U.S.C. 120

The Preliminary Amendment presents an amendment to the specification to relate this divisional application to its parent. This application is a divisional of co-pending U.S. Application Serial No. 09/423,758 filed on February 16 2000, which is the U.S. National Stage of PCT International Patent Application No. PCT/GB98/01414 (filed on May 15, 1998), which PCT application designates the United States of America.

- 11. Assignment
 - X] The prior application is assigned of record to (1) Hewlett-Packard Company
- [X] Attached is the following number of Assignments: $\underline{1}$ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)
- 12. Power of Attorney CUSTOMER NO.: 36716

37 C.F.R. § 1.53(b) - Page 3 of 4

[X] The power appears in the original papers in the . а. prior application [] Since the power does not appear in the original b. papers, a copy of the power in the prior application is enclosed. A copy of the executed Supplemental c. Declaration/Power is enclosed herewith. Address all future communications to: d. [X] HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, Colorado 80527-2400 [] An Associate Power of Attorney has been executed and is attached. (May only be completed by applicant, or attorney or agent of record). 13. Maintenance of Copendency of Prior Application [] A petition, fee and response has been filed to extend the term in the pending prior application ____ until An Information Disclosure Statement is enclosed herewith. July 18, 2003 Date Signature Richard P. Berg Registration No. 28,145 Address of Signatory c/o LADAS & PARRY [] Inventor(s) 5670 Wilshire Boulevard [] Assignee of complete interest Suite 2100 (x) Attorney or agent of record Los Angeles, Ca 90036-5679 [] Filed under Rule 34(a)

Telephone No. (323) 934-2300

(323) 934-0202

Telefax No.

 $37\ \text{C.F.R.}$ § $1.53\,\text{(b)}$ - Page 4 of 4

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Cecil Ferry TUCKER,) Re: Formal Drawings et al.

Serial No.: Not yet assigned Filed: concurrently herewith
Divisional of USSN 09/423.758

Divisional of USSN 09/423.758)
filed on February 16 2000) Our Ref: B-3804PCTDIV) 621061-1

For: "AUDIO CODING SYSTEMS AND METHODS"

METHODS") Date: July 18, 2003

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

ATTN: OFFICIAL DRAFTSMAN

Sir:

Enclosed herewith are seven (7) sheets of drawings (1-12), which should be entered into the above-identified application to replace the drawings presently on file.

Respectfully submitted,

Richard P. Berg Attorney for Applicant Reg. No. 28,145

LADAS & PARRY 5670 Wilshire Boulevard Suite 2100 Los Angeles, CA 90036 (323) 934-2300

Enclosures: seven (7) sheets of drawings (1-12)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGARDING THE U.S. PATENT APPLICATION OF:

(1) Roger Cecil Ferry TUCKER, (2) Carl William SEYMOUR, and (3) Anthony John ROBINSON

ENTITLED: "AUDIO CODING SYSTEMS AND METHODS"

New U.S. Divisional patent application based on USSN 09/423,758

Our Ref: <u>B-3804PCTDIV 621061-1</u>

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number **EV257330058US**

Date of Deposit: <u>July 18, 2003</u>

- I hereby certify that the following attached papers or fee:
- postcard
- check for \$750.00 to cover official filing fee
- Transmittal letter with Certification under 37 CFR 1.10 (4 pages)
- Preliminary amendment (4 pages)
- True copy of parent application U.S. Patent Appln. No. 09/423,758 consisting of: 2 pages of title page and abstract, 30 pages of specification, 8 pages of claims, the oath or declaration (2 pages), and 7 sheets of drawings (Figs. 1-12)
- 7 sheets of formal drawings (Figs. 1-12), with cover sheet (1 page)
- Claim to Priority (1 page)
- Information Disclosure Statement with Form PTO-1449 (modified) (4 pages)
- Assignment document (1 page) with Cover Sheet (1 page), and check for \$40.00 to cover Assignment recordal fee

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Ericca	Long					_		
(Typped or	printed	name	of	person	mailing	paper	or	fee)
Micca								
(Signature	≥)							